

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

COLONEL BAKER,

Plaintiff,

v.

COMMISSIONER, SSA,

Defendant.

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CIVIL ACTION NO. 4:17-CV-00019

JUDGE MAZZANT/JUDGE JOHNSON

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 4, 2018, the report of the Magistrate Judge (Dkt. #23) was entered containing proposed findings of fact and recommendations that Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act (the "Application") (Dkt. #20) should be denied. Defendant opposed the Application because it was not timely filed. *See* Dkt. #21. Thereafter, Plaintiff sought to withdraw the Application. *See* Dkt. #22.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Magistrate Judge's report is adopted in part. Plaintiff's request to withdraw the Application (*see* Dkt. #22) is **GRANTED**, and Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act (Dkt. #20) is hereby WITHDRAWN.

**IT IS SO ORDERED.**

**SIGNED this 3rd day of April, 2018.**



AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE